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that it would enable the cutting up of the farm into small lots and selling the same at an increased value. The proposed highway would cut the farm in two, leaving about two-thirds of the land on one side of the road and one-third on the other. Held, that no special benefits inured to the farm from the establishment of the highway, and, in estimating the damages by the opening of the highway, no reduction for benefits could be made.

VIRGINIA HOT SPRINGS CO. *v.* GROSE.

Jan. 17, 1907.

[56 S. E. 222.]

Waters and Water Courses—Pollution of Water—Right to Complain.—One purchasing riparian land after the stream has been polluted by sewage and with knowledge of such pollution is not estopped from suing therefor.

BING et al. *v.* BURRUS et al.

Jan. 24, 1907.

[56 S. E. 222.]

1. Wills—Construction—Estates Devised.—Where an estate for life is devised coupled with an absolute power of alienation, express or implied, the devisee takes the fee.

[Ed. Note.—For cases in point, see Cent. Dig. vol. 49, Wills, § 1335.]

2. Same.—Where an estate is devised to one generally, the devisee takes the fee and a limitation over is void.

[Ed. Note.—For cases in point, see Cent. Dig. vol. 49, Wills, §§ 1340-1350.]

3. Same.—A testator directed that real estate should be equally divided between his three sons, and that, if a son desired to sell his part, the preference of purchase should be given to one or both of the other sons at the price obtainable from an outside person, and, if sold to one or both of the sons, they should have time in which to pay the principal in equal installments, and provided that, if any of the sons should die without lawful heir, his part should be equally divided between the others. Held, that the sons took a fee-simple estate.

[Ed. Note.—For cases in point, see Cent. Dig. vol. 49, Wills, § 1344.]

WATTS *v.* COMMONWEALTH.

Jan. 24, 1907.

[56 S. E. 223.]

Licensees—Occupation Tax—Labor Agent—Statutes—Construction.—A person employed by a railway construction company as a

day laborer was sent to a city to employ additional labor. He hired several laborers and was endeavoring to induce others to enter his service. Held, that he was not a labor agent, within Va. Code 1904, p. 2247, imposing a fine on one conducting the business of a labor agent without having first obtained a license therefor; the statute requiring a strict construction as against the state, because it imposes a tax and is intended to reach persons who for compensation conduct the business of employing laborers for others.

GLENN *v.* WEST.

Jan. 17, 1907.

[56 S. E. 143.]

Taxation—Tax Deed—Sale under Assessment to Trustee—Effect on Rights of Remaindermen.—Under Code 1887, § 465 (Va. Code 1904, p. 244), providing that all lands shall be assessed for taxation in the name of the person who has the freehold in possession, and section 661 (Va. Code 1904, p. 321), providing that the sale of delinquent lands to purchasers from the commonwealth shall not be so construed as to affect the title of the tenant in remainder to any real estate which has been sold on account of the default of the tenant for life in paying the taxes or levies assessed thereon, a deed of land sold for taxes assessed to a trustee holding land for a widow for life, with directions to convey it to her children at her death, accruing during the life of the widow, does not affect the title of the children or of those claiming under them.

[Ed. Note.—For cases in point, see Cent. Dig. vol. 45, Taxation, §§ 1463, 1551.]

SOUTHERN RY. CO. *v.* CLARK.

Jan. 31, 1907.

[56 S. E. 274.]

1. Railroads—Accident at Crossing—Evidence—Sufficiency.—In an action against a railroad company for injuries to plaintiff and his horse, received from a fall in riding across an alleged defective railroad crossing, evidence considered, and held, that the question of the defendant's negligence was for the jury.

2. Appeal—Review—Amount of Recovery—Damages.—The damages awarded to plaintiff for injuries to himself and horse from a fall while riding across an alleged defective railroad crossing, not being so great as to clearly indicate that the jury was actuated by partiality or prejudice, will not be set aside as excessive.

[Ed. Note.—For cases in point, see Cent. Dig. vol. 3, Appeal and Error, §§ 3944-3947.]